

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MONSANTO COMPANY and
MONSANTO TECHNOLOGY LLC,

Plaintiffs,

VS.

E.I. DU PONT DE NEMOURS AND
COMPANY and PIONEER HI-BRED
INTERNATIONAL, INC.,

Defendants.

Case No. 4:09CV00686 ERW

ORDER

IT IS HEREBY ORDERED that Defendants’ Motion for Partial Summary Judgment of Anticipation of the Asserted Plant Genus Claims of the ‘247 RE Patent over PCT Application No. WO 92/04449 based on Acquiescence [ECF No. 599], Defendants’ Motion for Partial Summary Judgment of Absolute Intervening Rights [ECF No. 610], the parties’ Joint Motion to Amend Paragraphs I.1, I.3, and I.5 of the Court’s Third Amended Case Management Order – Patent [ECF No. 632], and Monsanto’s Motion to Deem Defendants’ Summary Judgment Motions as Filed on June 1, 2011 [ECF No. 648] are **DENIED**. The Court will issue a new Case Management Order after it has completed the ongoing *in camera* review of documents, at which point the parties will be permitted to re-file these Motions.

Dated this 29th Day of August, 2011.

E. Richard Wehler

E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE